

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PNC BANK, NATIONAL ASSOCIATION,

Plaintiff,

v.

TOBY GILBERT AND JANE GILBERT AS  
TRUSTEE UNDER THE PROVISIONS OF A  
TRUST AGREEMENT DATED THE 13TH  
DAY OF APRIL 2003 AND KNOWN AS  
TRUST NUMBER 041303, JANE GILBERT,  
TOBY GILBERT, SHAWN GILBERT, GAVIN  
GILBERT, JAMES SCHAEFGES and  
CHRISTYNE J. SCHAEFGES,

Defendants.

Case No. 19 cv 06621

District Judge: Virginia M. Kendall

Magistrate Judge: Sunil R. Harjani

**MOTION FOR ENTRY OF DEFAULT JUDGMENT AND JUDGMENT OF  
FORECLOSURE AND SALE**

Plaintiff, PNC Bank, National Association (“PNC Bank”), by its attorneys Carlson Dash, LLC, and pursuant to FEDERAL RULE OF CIVIL PROCEDURE 55(b)(2) AND 735 ILCS 5/15-1506, move this Court for entry of default judgment and judgment of foreclosure and sale. In support of its Motion, Plaintiff states as follows:

1. Plaintiff filed this matter on September 11, 2019. Count I alleges a claim for breach contract related to a guaranty executed by James Schaeftges. Count II alleges a claim for breach of contract related to a guaranty executed by Jane Gilbert. Count III seeks to foreclose a mortgage on the property commonly known as 9220 Oriole Avenue, Morton Grove, Illinois. Count IV seeks to foreclose a mortgage on the property commonly known as 1440 Wicke Avenue, Des Plaines, Illinois.

2. On October 8, 2019, Defendant Chrystine J. Schaeftges was served with process and a copy of the Complaint. A copy of the Affidavit of Service is attached as **Exhibit 1**.

3. On September 9, 2019, Defendant Gavin Gilbert was served with process and a copy of the Complaint. A copy of the Affidavit of Service is attached as **Exhibit 2**.

4. On October 8, 2019, Defendant James Schaefges was served with process and a copy of the Complaint. A copy of the Affidavit of Service is attached as **Exhibit 3**.

5. On October 9, 2019, Defendant Jane Gilbert was served with process and a copy of the Complaint. A copy of the Affidavit of Service is attached as **Exhibit 4**.

6. On October 9, 2019, Jane Gilbert as Trustee under the provision of a Trust Agreement dated the 13<sup>th</sup> of April, 2003 and known as trust number 041303 was served with process and a copy of the Complaint. A copy of the Affidavit of Service is attached as **Exhibit 5**.

7. On October 9, 2019, Toby Gilbert as Trustee under the provision of a Trust Agreement dated the 13<sup>th</sup> of April, 2003 and known as trust number 041303 was served with process and a copy of the Complaint. A copy of the Affidavit of Service is attached as **Exhibit 6**.

8. On October 9, 2019, Defendant Shawn Gilbert was served with process and a copy of the Complaint. A copy of the Affidavit of Service is attached as **Exhibit 7**.

9. On October 9, 2019, Defendant Toby Gilbert was served with process and a copy of the Complaint. A copy of the Affidavit of Service is attached as **Exhibit 8**.

10. Under FEDERAL RULE OF CIVIL PROCEDURE 12(a)(1)(A)(i), the Defendants had twenty-one (21) days within which to answer or otherwise plead to the Complaint.

11. To date, the Defendants, have failed to appear in this matter or to file an answer or otherwise plead to the Complaint within the time allowed by law.

12. This Motion is ripe for consideration as it seeks judgments disposing of all potential claims in this case.

13. In support of this Motion, Plaintiff attaches the Affidavit of Wendy Pollarine-Matheny as **Exhibit 9**.

14. Attached as **Exhibit 10** are copies of SCRA's for Jane Gilbert and James Schaeffges.

15. The Mortgages and Guaranties upon which Plaintiff's claims are based also provide the Plaintiff is entitled to attorneys' fees and costs incurred in their enforcement. In support of its request for attorneys' fees and costs, Plaintiff attaches the Affidavit of Martin J. Wasserman as **Exhibit 11**.

**WHEREFORE**, Plaintiff respectfully requests that the Court enter:

(a) a Default Judgment in Plaintiff's favor and Jane Gilbert and James Schaeffges in the amount of \$198,973.39, plus attorneys' fees of \$5,148.50, and costs of \$3,008.65 for a total judgment of \$207,130.54, plus interest accruing after the date of this Motion until judgment;

(b) a judgment of foreclosure and sale on the property commonly known as 9220 Oriole Avenue, Morton Grove, Illinois;

(c) a judgment of foreclosure and sale on the property commonly known as 1440 Wicke Avenue, Des Plaines, Illinois;

(d) and for such further, or other, relief this Court deems just and equitable.

Respectfully submitted,

**PNC BANK, NATIONAL ASSOCIATION**

By: /s/ Martin J. Wasserman  
One of its Attorneys

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